

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE ATI TECH. HDCP LITIGATION

Case No. 5:06-CV-01303-JW

This Document Relates to:

ALL ACTIONS

~~[PROPOSED]~~ FINAL APPROVAL  
ORDER AND JUDGMENT

Hon. James Ware  
Courtroom 8, 4th Floor

This matter having come before the Court for hearing, pursuant to the Order of this Court, dated April 7, 2009 (Docket No. 136), on the application of the Settling Parties for approval of the settlement set forth in the Settlement Agreement dated as of January 30, 2009 (Docket No. 130-2) ("Agreement"), and due and adequate notice having been given to the Class as required in said Order, and the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

8. Upon this Judgment becoming Final, the Plaintiffs and each Class Member, on behalf of themselves, their successors and assigns, and any other Person claiming (now or in the future) through or on behalf of them, and regardless of whether any such Plaintiff or Class

1 Member ever seeks or obtains by any means, including, without limitation, by submitting a Proof  
 2 of Claim and Release, any distribution from the Net Settlement Fund established pursuant to the  
 3 Agreement, shall be deemed to have, and by operation of this Judgment shall have, fully, finally,  
 4 and forever released, relinquished, and discharged all Released Claims against the Releasees and  
 5 shall have covenanted not to sue the Releasees with respect to all such Released Claims, and shall  
 6 be permanently barred and enjoined from instituting, commencing, prosecuting or asserting any  
 7 such Released Claim against the Releasees.  
 8

9 9. This Judgment is a final judgment in the Actions as to all claims among  
 10 Defendants, on the one hand, and the Plaintiffs and all Class Members, on the other. This Court  
 11 finds, for purposes of Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just  
 12 reason for delay and expressly directs entry of judgment as set forth herein.  
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14 10. As provided for in paragraphs 20 and 21 of the Agreement, the Court approves an  
 15 award from the Settlement Amount of **\$ 3,367,422.47** to pay Class Counsel's attorneys'  
 16 fees, plus **\$ 32,577.53** to reimburse Class Counsel for payment of costs and expenses  
 17 reasonably incurred in prosecuting and settling the Actions  
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19 11. As provided for in paragraph 18 of the Agreement, the Court approves an award of  
 20 all sums remaining in the Net Settlement Fund in equal amounts to the following *cy pres*  
 21 recipients: Computers for Youth; Consumer Action; School on Wheels, Inc.; SeniorNet; Bet  
 22 Tzedek (Los Angeles, California); East Bay Community Law Center; Electronic Privacy  
 23 Information Center; Legal Aid Society of San Diego; National Consumer Law Center; One  
 24 Laptop per Child; Public Counsel (Los Angeles, California); Public Justice Foundation; and,  
 25 Public Law Center (Orange, California); Katharine & George Alexander Community Law Center  
 26 and Stanford Public Interest Law Foundation.  
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 28

1           12.     Without affecting the finality of this Judgment in any way, this Court hereby  
2 retains exclusive jurisdiction over (a) implementation of the Settlement; (b) any award or  
3 distribution of the settlement fund established pursuant to the Agreement, including interest  
4 earned thereon; and (c) all other proceedings related to the implementation and enforcement of  
5 the terms of the Agreement and/or the Settlement. The time to appeal from this Judgment shall  
6 commence upon its entry. Without limiting the generality of the foregoing, any dispute  
7 concerning the provisions of this Judgment, including but not limited to any suit, action or  
8 proceeding in which the provisions of this Judgment are asserted as a defense in whole or in part  
9 to any claim or cause of action asserted by any Class Member or otherwise raised as an objection,  
10 shall constitute a suit, action or proceeding arising out of or relating to this Judgment. Solely for  
11 purposes of any such suit, action or proceeding, to the fullest extent possible under applicable  
12 law, the Defendants and the Class Members are deemed to have irrevocably waived and to have  
13 agreed not to assert, whether by way of motion, as a defense or otherwise, any claim, argument or  
14 objection that they are not subject to the jurisdiction of this Court or that this Court is in any way  
15 an improper venue or an inconvenient forum.


18           13.     In the event that this Judgment does not become Final, this Judgment shall be  
19 rendered null and void and shall be vacated, *nunc pro tunc*, and the provisions of ¶ 28 of the  
20 Agreement shall apply.  
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1           14.     Without further order of the Court, the Settling Parties may agree to reasonable  
2 extensions of time to carry out any of the provisions of the Agreement.

3           The Clerk shall close this file.

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5 **IT IS SO ORDERED:**

6 Dated: September 11, 2009

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Hon. James Ware  
United States District Court Judge